

E-FILED on 10/31/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RON SAGER,

Plaintiff,

v.

BANK OF AMERICA,
SOUNDBITE COMMUNICATIONS, INC.,

Defendants.

No. C-12-00197 RMW

ORDER DENYING GERALD ROYLANCE'S
MOTION FOR PERMISSION TO EFILE

[Re Docket No. 34]

Non-party Gerald Roylance seeks permission to e-file papers in this matter. Defendants SoundBite Communications, Inc. ("SoundBite") and Bank of America Corporation each objected to the request.

At the time he made his motion, Mr. Roylance apparently sought to file a brief as amicus curiae regarding defendants' motion to stay. The parties subsequently stipulated to stay the case pending a ruling by the Federal Communications Commission on a petition filed by SoundBite. (Dkt. No. 42.)

Having reviewed the papers and the record in this case, the court does not presently believe that Mr. Roylance's future participation as amicus curiae would be helpful, nor has Mr. Roylance demonstrated an interest that would justify such participation. *See Ryan v. Commodity Futures*

1 *Trading Comm'n*, 125 F.3d 1062, 1064 (7th Cir. 1997) ("An amicus brief should normally be
2 allowed when a party is not represented competently or is not represented at all, when the amicus
3 has an interest in some other case that may be affected by the decision in the present case (though
4 not enough affected to entitle the amicus to intervene and become a party in the present case), or
5 when the amicus has unique information or perspective that can help the court beyond the help that
6 the lawyers for the parties are able to provide."); *Woodfin Suite Hotels, LLC v. City of Emeryville*,
7 2007 WL 81911 at *3 (N.D. Cal. 2007) ("[A]n individual seeking to appear as amicus must merely
8 make a showing that his participation is useful or otherwise desirable to the court."). Because the
9 court is not inclined to allow Mr. Roylance to file any amicus briefs, there is no need to grant e-
10 filing permission. Accordingly, Mr. Roylance's motion is denied without prejudice.

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13 DATED: October 31, 2012


RONALD M. WHYTE
United States District Judge